

Continuing Professional Development Scheme

Advisory

CPD Declaration for PC application in 2014: CPD-2014-3

Issued on: 7 March 2014

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1 Pursuant to rule 8 of the Legal Profession (Continuing Professional Development) Rules 2012 ('CPD Rules') and for the purposes of section 25(1)(ca) of the Legal Profession Act (Cap 161), advocates and solicitors of the Supreme Court of Singapore ('solicitors') seeking to apply for a Singapore practising certificate ('PC') must make one of the three declarations set out under rule 8 of the CPD Rules in the online PC application form in 2014. The CPD declaration section will appear as follows:

5. CPD Requirements	
(a) I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding this practice year.	<input type="radio"/>
(b) The Compliance Committee has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding this practice year and I have complied with every other CPD requirement that was applicable to me in that preceding calendar year.	<input type="radio"/>
(c) No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year.	<input type="radio"/>

2 This SILE Advisory CPD-2014-3 clarifies the appropriate declaration to be made by various groups of solicitors seeking to apply for PCs in 2014.

I am not subject to CPD requirements in CPD Year 2013. What CPD declaration should I make in my PC application in 2014?

3 For CPD Year 2013, the following are not subject to CPD requirements under the CPD Rules:

- a. locum solicitors regardless of when they were admitted to the Singapore Bar;
- b. advocates and solicitors admitted to the Singapore Bar on or before 1 January 2007;

- c. foreign lawyers (not holding Singapore practising certificates); and
- d. holders of the Foreign Practitioner Certificate.

4 Those solicitors falling into category a) or b) as set out in paragraph 3 above shall make the declaration at rule 8(c) of the CPD Rules when applying for a PC in 2014 by selecting option (c) in the online PC application form, as follows:

5. CPD Requirements

(a) I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding this practice year.

(b) The Compliance Committee has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding this practice year and I have complied with every other CPD requirement that was applicable to me in that preceding calendar year.

(c) No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year.

Note: This SILE Advisory CPD-2014-3 does not apply to individuals falling into category c) or d) as set out in paragraph 3 above who do not make the PC application referred to in this advisory.

I have fulfilled my CPD requirements for CPD Year 2013. I am not relying on any waiver. What CPD declaration should I make in my PC application in 2014?

- 5 A solicitor in this category is one who:
- a. was admitted to the Singapore Bar on or after 2 January 2008;
 - b. between 1 January 2013 and 31 December 2013, has held a PC for:
 - i. more than eight (8) months and has obtained sixteen (16) CPD points (at least eight (8) of which are public CPD points), and has attended Mandatory CPD Activity 2013; or
 - ii. more than five (5) months up to eight (8) months and has obtained eight (8) CPD points (at least four (4) of which are public CPD points), and has attended Mandatory CPD Activity 2013; or
 - iii. five (5) months or less and therefore does not need to obtain any CPD points or attend Mandatory CPD Activity 2013;
 - c. has complied with every other 'CPD requirement' as defined and further specified in the CPD Rules (e.g. the requirement to maintain a record and evidence of the CPD activities he has undertaken in each calendar year); AND
 - d. is not relying on any type of waiver.

6 A solicitor who has fulfilled his CPD requirements in the manner set out in paragraph 5 above shall make the declaration at rule 8(a) of the CPD Rules when applying for a PC in 2014 by selecting option (a) in the online PC application form, as follows:

5. CPD Requirements	
(a) I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding this practice year.	<input checked="" type="radio"/>
(b) The Compliance Committee has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding this practice year and I have complied with every other CPD requirement that was applicable to me in that preceding calendar year.	<input type="radio"/>
(c) No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year.	<input type="radio"/>

7 Solicitors admitted to the Singapore Bar on or after 2 January 2008 who did not have a PC in force in CPD Year 2013 and are applying for a PC in 2014 may also make the declaration referred to in paragraph 6 above.

Note: Solicitors admitted to the Singapore Bar between 2 January 2007 and 1 January 2008 (both dates inclusive) who did not have CPD points requirements in CPD Year 2013 and are applying for a PC in 2014 may also make the declaration referred to in paragraph 6 above. If such solicitors have selected declaration 5(c) (i.e. No CPD requirement was applicable to me ...) by mistake, this error does not affect their 2014 PC application and nothing needs to be done to correct this error.

I have CPD requirements for CPD Year 2013 and am relying on one or more waivers in respect of such CPD requirements. What CPD declaration should I make in my PC application in 2014?

- 8 A solicitor in this category is one who:
- a. was admitted to the Singapore Bar on or after 2 January 2008;
 - b. between 1 January 2013 and 31 December 2013, held a PC such that he has CPD requirements to fulfil;
 - c. is relying on one or more of the following waivers in respect of such CPD requirements:
 - i. deemed waiver for statutorily-prescribed maternity leave;
 - ii. deemed waiver for certified long-term medical leave;
 - iii. deemed waiver for overseas secondment;
 - iv. extension waiver;

v. any other waiver explicitly granted by the CPD Compliance Committee; AND

d. has complied with every other 'CPD requirement' as defined and further specified in the CPD Rules (e.g. the requirement to maintain a record and evidence of the CPD activities he has undertaken in each calendar year).

9 A solicitor who relies on any type of waiver in respect of his CPD requirements for CPD Year 2013, as set out in paragraph 8 above, shall make the declaration at rule 8(b) of the CPD Rules when applying for a PC in 2014 by selecting option (b) in the online PC application form, as follows:

5. CPD Requirements	
(a) I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding this practice year.	<input type="radio"/>
(b) The Compliance Committee has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding this practice year and I have complied with every other CPD requirement that was applicable to me in that preceding calendar year.	<input checked="" type="radio"/>
(c) No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year.	<input type="radio"/>

Verification of compliance with CPD requirements

10 A solicitor who has fulfilled his CPD requirements for CPD Year 2013 without relying on any type of waiver as mentioned in paragraph 5 above and made the declaration as mentioned in paragraph 6 above, may be subject to an audit of their compliance with their CPD requirements for CPD Year 2013 and, possibly, CPD Year 2014.

11 A solicitor who relies on any type of waiver in respect of his CPD requirements for CPD Year 2013 as mentioned in paragraph 8 above and made the declaration as mentioned in paragraph 9 above will be subject to an audit of their compliance with their CPD requirements for CPD Year 2013 and, possibly, CPD Year 2014.

12 The audit of CPD requirements is expected to take place from May of each calendar year and is an audit of a solicitor's compliance with his CPD requirements in up to the three CPD years preceding the CPD year in which the audit is conducted. The details of the audit process will be made known through the publication of a separate advisory at a later date.

13 For a summary of the categories of solicitors and the appropriate CPD declarations to make, please refer to the Annex to this SILE Advisory CPD-2014-3.

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ANNEX TO SILE ADVISORY CPD-2014-3

If you declare ...	You must be ...
<p>“No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year.”</p> <p>[Rule 8(c) of the CPD Rules.]</p>	<p>One of the following:</p> <ul style="list-style-type: none"> a. a locum solicitor (regardless of when you were admitted to the Singapore Bar); or b. an advocate and solicitor admitted to the Singapore Bar on or before 1 January 2007.
<p>“I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding this practice year.”</p> <p>[Rule 8(a) of the CPD Rules.]</p>	<p>A solicitor who:</p> <ul style="list-style-type: none"> a. was admitted to the Singapore Bar on or after 2 January 2008; b. between 1 January 2013 and 31 December 2013, has held a PC for: <ul style="list-style-type: none"> i. more than eight (8) months and has obtained sixteen (16) CPD points (at least eight (8) of which are public CPD points), and has attended Mandatory CPD Activity 2013; or ii. more than five (5) months up to eight (8) months and has obtained eight (8) CPD points (at least four (4) of which are public CPD points), and has attended Mandatory CPD Activity 2013; or iii. five (5) months or less and therefore does not need to obtain any CPD points; c. has complied with every other ‘CPD requirement’ as defined and further specified in the CPD Rules (e.g. the requirement to maintain a record and evidence of the CPD activities you have undertaken in each calendar year); <p>AND</p> <ul style="list-style-type: none"> d. is not relying on any type of waiver. <p>NOTE: A solicitor who did not have a PC in force in CPD Year 2013, or a solicitor admitted to the Singapore Bar between 2 January 2007 and 1 January 2008 (both dates inclusive), and who is applying for a PC in 2014, may also make this declaration.</p>

If you declare ...	You must be ...
<p data-bbox="277 296 646 653">“The Compliance Committee has granted me a waiver of one or more of the CPD requirements that were applicable to me at any in the calendar year immediately preceding this practice year and I have complied with every other CPD requirement that was applicable to me in that preceding calendar year.”</p> <p data-bbox="277 793 602 825">[Rule 8(b) of the CPD Rules.]</p>	<p data-bbox="683 296 862 321">A solicitor who:</p> <ul style="list-style-type: none"> <li data-bbox="683 363 1300 426">a. was admitted to the Singapore Bar on or after 2 January 2008; <li data-bbox="683 464 1263 558">b. between 1 January 2013 and 31 December 2013, held a PC such that you have CPD requirements to fulfil; <li data-bbox="683 596 1365 659">c. is relying on <u>one or more</u> of the following waivers in respect of your CPD requirements: <ul style="list-style-type: none"> <li data-bbox="683 697 1349 760">i. deemed waiver for statutorily-prescribed maternity leave; <li data-bbox="683 798 1386 829">ii. deemed waiver for certified long-term medical leave; <li data-bbox="683 867 1252 898">iii. deemed waiver for overseas secondment; <li data-bbox="683 936 976 968">iv. extension waiver; <li data-bbox="683 1005 1300 1068">v. any other waiver explicitly granted by the CPD Compliance Committee; <p data-bbox="683 1106 740 1131">AND</p> <ul style="list-style-type: none"> <li data-bbox="683 1169 1370 1295">d. has complied with every other ‘CPD requirement’ as defined and further specified in the CPD Rules (e.g. the requirement to maintain a record and evidence of the CPD activities you have undertaken in each calendar year).